

REMARKS

This paper is in response to the Official Action mailed October 21, 2003. A petition for a three-month extension of time, extending the time to respond from January 21, 2004 until April 21, 2004, is enclosed herewith and incorporated by reference.

Claims 9-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lau et al* in view of *Bonomo et al* and *Tisch et al*. The Examiner has alleged that *Lau* substantially teaches the process recited in claim 9, but differs in the following three respects: (1) it is unclear whether *Lau* teaches drying the binder-coated wood particles in a mat, (2) *Lau* does not appear to teach making a ribbed waferboard continuously, and (3) *Lau* does not teach steam pressing an uncured ribbed mat. The Examiner nevertheless concludes that these deficiencies would have been obvious in the art. Applicants respectfully traverse this rejection because the collective teachings of the prior art would not have motivated one skilled in the art to produce the claimed invention with a reasonable expectation of success.

Lau discloses a waferboard having integral ribs separated by valleys and a method of making the waferboard by first layering the wafers used therein and then a separate mat or projection for each of the ribs is superimposed thereon. A special press is necessary to press the lip of the mat with the ribs. *Lau* does not explicitly disclose drying the binder-coated wood particles in a mat, or a continuous process. *Lau* is also silent as to steam pressing an uncured ribbed mat.

None of the secondary references teach "providing a mat of disintegrated, dried and glue-coated lignocellulose-containing material" as recited in independent claim 9. Even so, the Examiner contends that drying the binder-coated wood particles in a mat would have been obvious as such is

notoriously well known in the art in order to provide wood particles with a desired moisture content. However, the Examiner does not point out why one in the art would choose a dry material, nor to any reference that teaches using dried material to make waferboard. Thus, the combination of dried using material to make waferboard can only be made through the use of hindsight reconstruction, which the Court of Appeals for the Federal Circuit has consistently stated is impermissible. See *In Re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991); *Interconnect Planning Corp. v. Feil*, 774, F.2d 1132, 1143 (Fed. Cir. 1985).

The Examiner further contends that it would have been obvious to continuously make a ribbed waferboard by continuously subjecting an uncured ribbed mat to a steam injection press modified to accommodate the ribbed mat, by superimposing one of the two platen surfaces with an insert to form an alternating land and valley. However, the Examiner has not pointed to any reference that teaches a continuous process for making waferboard with a predetermined surface profile. Moreover, there is no teaching, suggestion or motivation in any of the references cited that waferboard with a predetermined surface profile could be made by a process that is continuous, or continuously transporting a profiled mat into the steam injection press. *Tisch* is the only reference that even suggests a continuous process, however, the particulate board of *Tisch* does not have a profiled surface. There is simply no teaching, suggestion or motivation in any of the prior art that a waferboard with a profiled surface could be combined with a continuous process like that of *Tisch*.

The Examiner also contends that steam pressing an uncured ribbed mat would have been obvious because *Bonomo* teaches using steam injection pressing. *Bonomo* is directed to a method for producing wood composite boards from a wood fiber

treated with a phenol formaldehyde resin. The resin treated wood fiber is consolidated and cured in a press using steam injection. There is no disclosure in *Bonomo* of boards with a profiled surface. Moreover, there is no teaching, suggestion or motivation in the art to apply steam injection pressing to boards that have a profiled surface, let alone a continuous process for such as discussed above. Applicants' respectfully assert that the Examiner's contention that the claimed invention would have been obvious because in light of subjecting an uncured ribbed mat to a steam injection press modified to accommodate the ribbed mat is based on impermissible hindsight. Indeed, there is no teaching, suggestion or motivation in any of the references cited that a steam injection press could be modified to accommodate a ribbed mat or be utilized in a process for making boards with a profiled surface, continuous or otherwise.

For the reasons stated above, Applicants submit that the prior art would not render claims 10-13 obvious. None of the secondary references teach or suggest the elements missing in the primary elements.

Applicants acknowledge that claim 14 contains allowable subject matter, and would be allowable if rewritten in independent form. However, in light of Applicants' position that the independent claim 9 is not rendered obvious by the prior art, Applicants respectfully decline to amend claim 14.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 21, 2004

Respectfully submitted,

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